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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,359	08/15/2001	Ulises J. Ciciarelli	RSW920010067US1	3454

7590 01/06/2005  
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EXAMINER

MITCHELL, JASON D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/930,359	CICCIARELLI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Mitchell	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12-1-04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This action is in response to communications filed on 12-01-2004.
2. Claims 1-19 are pending in this case.

***Claim Rejections - 35 USC § 102***

3. **Claims 1-2, 4-6, and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,051,032 to Harrison et al (Harrison).**

**Regarding Claims 1, 10 and 15:** Harrison discloses a method, system and computer program product for improving installation of software packages (col. 2, line 28), comprising steps of: defining an object model as a framework for creating software installation packages (col. 2, lines 32-37 'bundle of install objects') including one or more topology objects (col. 2, lines 39-43 'bundle of model objects') wherein the model is independent of any particular software installation package to be created from the model (col. 2 lines 39-40 'bundle of model objects') and specifies that each particular software installation package has a suite level (col. 2, lines 34-37 'bundle of install objects') and a component level (col. 2, lines 34-37 'the default bundle of install objects comprising necessary objects'), wherein the suite level serves as a container for one or more topology objects (col. 2, lines 39-43 'model objects') and one or more components to be included at the component level (col. 2, lines 34-37 'necessary objects') and each component comprises a plurality of objects (col. 2, lines 32-37 'comprising necessary objects') and wherein each topology object identifies one or more selected ones of the components (col. 3, lines 52-54 'configuration details thereof'); and populating the object

model to describe a particular software installation package (col. 2, lines 32-37 'loading a default bundle of install objects') and one or more topologies for deployment of that particular software installation package (col. 2, lines 39-43 'a default bundle of model objects ... is displayed').

**Regarding Claim 2:** The rejections of claims 1, 10 and 15 are incorporated respectively; further, Harrison discloses instantiating a plurality of objects according to the defined object model, and wherein the populating step populates the instantiated objects (col. 2, lines 32-37 'loading a default bundle of install objects'). Further instantiating the objects is necessary for them to have any functionality, and hence is taught inherently.

**Regarding Claim 4:** the rejection of claim 2 is incorporated; further, Harrison inherently discloses the instantiating step instantiates an object (col. 2, lines 32-37 'loading a default bundle') for the particular software installation package and one or more component objects for each software component included in the particular software installation package (col. 2, lines 32-37 'loading a default bundle of install objects'). It would have been necessary to load the objects with data relating to the particular software installation package in order to install the particular software installation package.

**Regarding Claim 5, 11 and 16:** The rejections of claims 1, 10 and 15 are incorporated respectively; further Harrison discloses selecting at least one of the topologies for deployment (col. 4, lines 32-44 'the administrator is then able to choose either option 1 or option 2'); and using the populated object model to install the particular software

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installation package using the selected topology (col. 4, lines 32-44 'the image objects are then automatically created').

**Regarding Claim 6, 12 and 17:** the rejections of claims 5, 11 and 16 are incorporated respectively; further, Harrison discloses identifying one or more target machines on which the particular software installation package is to be installed (col. 3, lines 56-58 'installed onto a node'); downloading the particular software installation package from a server to the identified targeted machines; And performing an installation at each of the identified target machines using the downloaded particular software installation package (col. 4, lines 16-18 'completing the installation'). A node (col. 3, line 57) generally refers to a remote computer in a network; therefore Harrison inherently discloses a means for downloading the image objects (col. 4 line 14) from a server to the node to complete the installation (col. 4, line 16).

***Claim Rejections - 35 USC § 103***

**4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,051,032 to Harrison et al. (Harrison) in view of "JavaBeans v1.01" by Sun Microsystems, 1997 (JB v1.01).**

**Regarding Claim 3:** The rejection of claim 1 is incorporated; further, Harrison does not disclose the instantiated objects are JavaBeans. However, Harrison discloses the use of an object-oriented technology (col. 2, lines 34-35 'bundle of install objects').

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The JB 1.01 teaches the instantiation of objects (pg. 98, ch. 10.4 'Instantiate a bean'), in an analogous art for the purpose of creating the bean (pg. 98, ch. 10.4 'The bean is created based on a name relative to a class-loader')

It would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the installation methods disclosed in Harrison using JavaBeans as taught by the JB v1.01.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a platform neutral product, such as that provided by the use of JavaBeans (JB v1.01 pg. 7 ch. 1.2 'One of the main goals of the JavaBeans architecture is to provide a platform neutral component architecture.')

**5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,051,032 to Harrison et al (Harrison) in view of USPN 6,233,565 B1 to Lewis et al. (Lewis).**

**Regarding Claim 7:** The rejection of claim 6 is incorporated; further, Harrison does not disclose the step of authenticating a server.

Lewis teaches authenticating, by individual ones of the identified target machines, the server (col. 29, lines 22-23 'the client and server have been authenticated to each other'), in an analogous art for the purpose of establishing secure communications between the client and server (col. 29, lines 25-26).

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to secure the download disclosed in Harrison (col. 3, lines 56-58 'installed onto a node') with the techniques described in Lewis (col. 28, line 50-col. 29, line 19).

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a secure and reliable connection between client and server (Lewis col. 2, lines 6-8)

**Claims 8-9, 13-14, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,051,032 to Harrison et al (Harrison).**

**Regarding Claim 8, 13 and 18:** The rejections of claims 1, 10, 15 are incorporated respectively; further, Harrison discloses a topology object that provides a method to recommend a configuration for a particular component of the software installation package (col. 3, lines 46-55 'configuration details thereof may be altered'), but does not explicitly disclose that each topology object provides a recommended configuration. Instead Harrison leaves the decision to the programmer (col. 3, lines 46-55 'The programmer ... sets them before shipping')

It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the individual recommended topologies disclosed in Harrison (col. 3, lines 46-55 'configuration details thereof may be altered') to make each topology in the bundle recommended.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide maximum flexibility for an installation (col. 1, lines 25-32

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'give the administrator a great deal of flexibility'), by providing recommended configurations for each component but not requiring any of them.

**Regarding Claim 9, 14 and 19:** The rejections of claims 1, 10, 15 are incorporated respectively; further Harrison discloses a topology object that provides a method to require a configuration for a specific component of the software installation package (col. 3, lines 46-55 'object C is not a model object and thus cannot be so altered'), but does not explicitly disclose that each topology object provides a required configuration. Instead Harrison leaves the decision to the programmer (col. 3, lines 46-55 'The programmer ... sets them before shipping')

It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the individual required topologies disclosed in Harrison (col. 3, lines 46-55 'object C is not a model object and thus cannot be so altered') to make each topology in the bundle required.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the programmer with maximum control of an installation (col. 2, lines 60-67 'shifts the burden of understanding ... from the administrator to the application programmer'), by providing required configurations for each component.

### ***Response to Arguments***

6. In view of the Terminal Disclaimer filed on 10-02-2004 under 37 CFR 1.131, the double patenting rejections to claim 1-7, 10-12 and 15-17 in view of Cicciarelli are withdrawn.



7. Applicant's arguments (see pg. 13-14, par. III and IV), filed 12-01-2004, regarding the 102(e) and 103(a) rejections of claims 1-19 in view of Curtis have been fully considered and are persuasive. The associated rejections of claims 1-19 have been withdrawn.

8. Applicant's arguments (see pg. 12, par. II), filed 12-01-2004 regarding the 102(b) rejection of claims 1-2, 4-6 and 10-17 in view of Harrison have been fully considered but they are not persuasive. The suite level as disclosed by the Applicant in amended claim 1 ('the suite level serves as a container for ... one or more components') comprises a container object for the components to be installed. The 'bundle' of installation objects disclosed in Harrison (col. 2, lines 32-37) performs this function. Further, 'install objects' contained in the 'bundle' as disclosed in Harrison (col. 2, lines 32-37) correspond to the components as claimed. Therefore applicant's arguments fail to traverse the Harrison reference and the associated rejections of claims 1-2, 4-6 and 10-17 stand.

9. Applicant's arguments (see pgs. 13-14, par. IV), filed 12-01-2004 regarding the 103(a) rejections of claims 8-9, 13-14 and 18-19 in view of Harrison have been fully considered but they are not persuasive. The Harrison reference does, as discussed above, disclose a suite level (col. 2, lines 32-37 'bundle of install objects') and a component level (col. 2, lines 32-37 'necessary objects'). Therefore the rejections of claims 3, 7-9, 13-14 and 18-19 stand.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571) 272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Mitchell  
12-09-04



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PRIMARY EXAMINER